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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR		ATTORNEY DOCKET NO.
09/125,031	03/10/99	LONGACRE-ANDRE	S	0660-0139-0X

HM12/0804

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EXAMINER	
GRUN, J	
ART UNIT	**PAPER NUMBER**
1641	13

DATE MAILED: 08/04/99

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks

PTO-90C (Rev. 2/95)

1- File Copy

This application contains sequence disclosures that are encompassed by the definitions for nucleotide and/or amino acid sequences set forth in 37 CFR § 1.821(a)(1) and (a)(2). However, this application clearly fails to comply with the requirements of 37 CFR §§ 1.821 through 1.825 for the reason(s) set forth on the attached Notice To Comply With Requirements For Patent Applications Containing Nucleotide Sequence And/Or Amino Acid Sequence Disclosures.

APPLICANT IS GIVEN A **ONE MONTH** EXTENDABLE PERIOD WITHIN WHICH TO COMPLY WITH THE SEQUENCE RULES, 37 CFR §§ 1.821 - 1.825. Failure to comply with these requirements will result in ABANDONMENT of the application under 37 CFR § 1.821(g). Extensions of time may be obtained by filing a petition accompanied by the extension fee under the provisions of 37 CFR § 1.136. In no case may an applicant extend the period for response beyond the six month statutory period. Applicant is requested to return a copy of the attached Notice to Comply with the response.

In the examination of international applications filed under the Patent Cooperation Treaty, PCT Rule 13.1 states that the "international application shall relate to one invention only or to a group of inventions so linked as to form a single general inventive concept ('requirement of unity of invention')".

The method for determining unity of invention under PCT Rule 13 shall be construed as permitting, in particular, one of the following three possible combinations of claims of different categories in the same international application:

(1) in addition to an independent claim for a given product, an independent claim for a process specially adapted for the manufacture of said product, and an independent claim for a use of said product, or

(2) in addition to an independent claim for a given process, an independent claim for an apparatus or means specifically designed for carrying out said process, or

(3) in addition to an independent claim for a given product, an independent claim for a process specially adapted for the manufacture of said product, and an independent claim for an apparatus or means specifically designed for carrying out the process.

Unity of invention is fulfilled only when a group of inventions is linked in technical relationship by at least one corresponding technical feature (i.e. the inventions are not independent), wherein the corresponding technical feature(s)is(are) "special" under PCT Rule 13.2, i.e. a contribution over the prior art.

This application contains inventions or groups of inventions which are not so linked as to form a single inventive concept. Under PCT Rule 13 the following combinations of claims of different categories are permissible and restriction to one of the following combinations is required:

I. Claims 25-39, drawn to a group of related products (encoding nucleic acids, baculovirus vectors comprising the nucleic acids, and transfected host cells comprising the vectors) sharing a special technical feature (i.e. specific nucleic acids).

II. Claims 20-24, 40-41, and 45, drawn to a given product (antibody), processes using said product (diagnostic or separation methods), and a means specially adapted for the manufacture of said product (hybridomas).

III. Claims 1-19 and 42-44, drawn to a given product (protein) and a use of said product (vaccine).

The inventions listed as Groups I-III do not meet the requirements for Unity of Invention for the following reasons:

Inventions I-III do not share Unity of Invention as they are independent and distinct products differing in structure, function, and use and thus share no corresponding technical feature which links them in technical relationship. Moreover, should Applicant assert that a corresponding technical feature is shared, such a feature is not "special" under PCT Rule 13.2 in view of the International Preliminary Examination Report.

Applicant is advised that the response to this requirement to be complete must include an election of the invention to be examined even though the requirement be traversed.

Applicant is reminded that upon the cancellation of claims to a non-elected invention, the inventorship must be amended in compliance with 37 C.F.R. § 1.48(b) if one or more of the currently named inventors is no longer an inventor of at least one claim remaining in the application. Any amendment of inventorship must be accompanied by a diligently-filed petition under 37 C.F.R. § 1.48(b) and by the fee required under 37 C.F.R. § 1.17(h).

Any inquiry concerning this communication or earlier communications from the Examiner should be directed to James L. Grun, Ph.D., whose telephone number is (703) 308-3980. The examiner can normally be reached on weekdays from 9 a.m. to 5 p.m.

If attempts to reach the examiner by telephone are unsuccessful, the Examiner's supervisor, James C. Housel, SPE, can be reached on (703) 308-4027. The fax phone numbers for official communications to Group 1640 are (703) 305-3014 or (703) 308-4242.

Any inquiry of a general nature or relating to the status of this application should be directed to the Group receptionist whose telephone number is (703) 308-0196.

James C. Housel

JAMES C. HOUSEL 8/2/99
SUPERVISORY PATENT EXAMINER

James L. Grun, Ph.D.
August 2, 1999

Application No.: 09/125,031

NOTICE TO COMPLY WITH REQUIREMENTS FOR PATENT APPLICATIONS CONTAINING NUCLEOTIDE SEQUENCE AND/OR AMINO ACID SEQUENCE DISCLOSURES

The nucleotide and/or amino acid sequence disclosure contained in this application does not comply with the requirements for such a disclosure as set forth in 37 C.F.R. 1.821 - 1.825 for the following reason(s):

- [X] 1. This application clearly fails to comply with the requirements of 37 C.F.R. 1.821-1.825. Applicant's attention is directed to these regulations.
- [X] 2. This application does not contain, as a separate part of the disclosure on paper copy, a "Sequence Listing" as required by 37 C.F.R. 1.821(c).
- [X] 3. A copy of the "Sequence Listing" in computer readable form has not been submitted as required by 37 C.F.R. 1.821(e).
- [ ] 4. A copy of the "Sequence Listing" in computer readable form has been submitted. However, the content of the computer readable form does not comply with the requirements of 37 C.F.R. 1.822 and/or 1.823, as indicated on the attached copy of the marked -up "Raw Sequence Listing."
- [ ] 5. The computer readable form that has been filed with this application has been found to be damaged and/or unreadable as indicated on the attached CRF Diskette Problem Report. A Substitute computer readable form must be submitted as required by 37 C.F.R. 1.825(d).
- [ ] 6. The paper copy of the "Sequence Listing" is not the same as the computer readable from of the "Sequence Listing" as required by 37 C.F.R. 1.821(e).
- [ ] 7. Other: _____

Applicant Must Provide:

- [X] An initial or substitute computer readable form (CRF) copy of the "Sequence Listing".
- [X] An initial or substitute paper copy of the "Sequence Listing", as well as an amendment directing its entry into the specification.
- [X] A statement that the content of the paper and computer readable copies are the same and, where applicable, include no new matter, as required by 37 C.F.R. 1.821(e) or 1.821(f) or 1.821(g) or 1.825(b) or 1.825(d).

For questions regarding compliance to these requirements, please contact:

For Rules Interpretation, call (703) 308-4216
For CRF Submission Help, call (703) 308-4212
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